

**DRAFT PERMIT**

Permit No: 201503186-KB

Municipality: Stamford

Work Area: West Branch of Stamford Harbor off property located at  
28 Southfield Avenue

Permittee: Southfield Property, LLC  
2200 Atlantic Street  
Suite 600  
Stamford, CT 06902

Pursuant to sections 22a-359 through 22a-363g and sections 22a-28 through 22a-35 of the Connecticut General Statutes (“CGS”) and in accordance with section 401 of the Federal Clean Water Act, as amended, CGS section 22a-98 and the Connecticut Water Quality Standards, effective February 25, 2011, a permit is hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to remove derelict structures; install boatyard facilities including new docking structures, a travel lift well, sanitary pumpout and fuel dispensers; conduct new dredging; and install a bulkhead for flood and erosion control and for recreational boating and marine commercial use as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

**\*\*\*\*\*NOTICE TO PERMITTEES AND CONTRACTORS\*\*\*\*\***

**UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.**

**SCOPE OF AUTHORIZATION**

The Permittee is hereby authorized to conduct the following work as described in application #201503186-KB, including 17 sheets of plans attached hereto as follows: Sheets 1-5 and 7-12, and 14-17 dated May 1, 2015 and Sheet 6 and Sheet 13 dated May 1, 2015 and revised June 30,

submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. install sedimentation and erosion controls;
2. remove derelict in-water docking structures including docks, and piles;
3. remove a derelict stormwater outfall pipe;
4. remove assorted abandoned pipes and debris along the shoreline;
5. install 600 linear feet of bulkhead with cap and railing;
6. construct two, 24" HDPE stormwater outfall in steel sleeves in the new bulkhead;
7. excavate approximately 2,350 cy of rip rap and soil from above mean low water (area within the travel lift well) and re-use on the upland portion of the site;
8. construct an approximately 65' x 22' travel lift well using steel sheetpile, concrete cap and steel channels for the travel lift, including a ladder;
9. install and remove a temporary cofferdam for the installation of the travel lift well;
10. install approximately 60, 8" diameter timber fender piles within the travel lift well;
11. construct two, 4' x 6' gangway landings affixed to the bulkhead;
12. install two, 4' x 80' gangways;
13. construct an approximately 10' x 38' pier with up to 12 concrete or steel piles;
14. relocate approximately 50 cy of rip rap to support an existing stone seawall;
15. install 305 linear feet of 10 wide floating dock;
16. install 350 linear feet of 6' wide floating dock;
17. install 30 linear feet of 8' wide floating gas dock;
18. install 330 linear feet of 4' wide floating finger docks;
19. install 5 linear feet of 2' wide floating dock;
20. install approximately 50 steel or timber piles to secure the docks;
21. install 21 dock pedestals with lighting, electric, water and fire and safety equipment;
22. install two fuel dispensers and one sanitary pumpout system at the gas dock;
23. establish of a perimeter permit for 6,700 square feet of dock;
24. dredge approximately 7,500 cy of material over a 20,930 square foot area to -12' MLW plus a one foot allowable overdredge and 3:1 sideslopes (Area 1);
25. dredge approximately 4,500 cy of material over a 19,000 square foot area to -8' MLW plus a one foot allowable overdredge and 3:1 sideslopes (Area 2);
26. dispose of approximately 2,350 cy of material authorized for removal in paragraph 7., above and approximately 9,400 cy of material represented by samples 1-6 and authorized for removal in paragraphs 24 and 25., above, at the Central Long Island Sound Disposal Site with approximately 35,000 cy of cap material or at an approved upland disposal location; and

27. dispose of approximately 2,600 cy of sediments represented by Sample 7 in Dredge Area 1 as authorized in paragraph 24. of the SCOPE OF AUTHORIZATION, above, at an approved upland disposal location;
28. remove the sedimentation and erosion controls installed pursuant to paragraph 1., above.

### **SPECIAL TERMS AND CONDITIONS**

1. Prior to the commencement of work authorized herein, the Permittee shall submit to the Commissioner for his review, and shall receive written approval of a plan for the disposal of the dredged sediments identified in paragraphs 7, and 24 through 27. of the SCOPE OF AUTHORIZATION, above. The project must be completed with any conditions required by the Commissioner. The Permittee shall obtain all required federal, state and local authorizations before commencing work under this condition.
2. Sediments represented by Sample 7 within Dredge Area 1 are not suitable for open water disposal and shall be properly disposed of at an approved upland disposal location, unless specifically authorized in writing by the Commissioner.
3. Prior to the commencement of work authorized in paragraphs 6 through 27 of the SCOPE OF AUTHORIZATION, above, the Permittee shall removal all derelict structures and shall properly dispose of such at an approved upland facility.
4. The Permittee shall conduct all work authorized herein in conformance with the Remedial Action Plans ("RAP") submitted to CT Department of Energy & Environmental Protection Remediation Division and prepared by a Licensed Environmental Professional delegated the authority for such activities at 20 Southfield Avenue-Davenport Landing, DEEP Remediation No. 11760, or as otherwise approved in accordance with section 22a-133k-2(h) of the Regulations of Connecticut State Agencies "The Remediation Standard Regulation provision for Use of Polluted Soil and Reuse of Treated Soil").
5. Prior to the commencement of work authorized herein, the Permittee shall coordinate with utility personnel in an effort to accurately locate the existing Yankee Gas Main via subsurface profiling or similar technology to avoid adverse impacts to the existing gas main shown on Sheets 4 through 6 of the project plans attached hereto. During construction, the Permittee shall maintain inspection logs. Prior to construction, the Permittee shall provide the Commissioner with a report of the coordination with Yankee Gas.
6. Prior to the commencement of work authorized herein, the Permittee shall field locate and mark with buoys the existing gas line. Such marker locations shall remain in place until construction on-site has been completed.
7. Prior to the commencement of the placement of the temporary cofferdam and dredging authorized herein, the Permittee shall obtain any required permit or authorization for dewatering pursuant to CGS 22a-430 or 22a-6k unless specifically authorized in writing by the Commissioner.
8. Prior to the commencement of dredging authorized in paragraphs 7., and 24 through 27 of the

SCOPE OF AUTHORIZATION, above, herein, the Permittee shall install a silt curtain from the water surface to the substrate and oil boom as shown on Sheet 9 of the project plans attached hereto, unless specifically authorized in writing by the Commissioner. Such controls shall be maintained in optimal operating condition until dredging is complete.

9. In-water excavation, dredging, filling or removal of debris or other material shall not be conducted between July 15<sup>th</sup> and August 30<sup>th</sup> inclusive, of any calendar year, to protect spawning shellfish unless specifically authorized in writing by the Commissioner.
10. In-water excavation, dredging, filling or removal of debris or other material shall not be conducted between April 1<sup>st</sup> and June 30<sup>th</sup> inclusive, of any calendar year, to protect anadromous fish migration.
11. The Permittee shall provide restroom facilities on-site for all recreational marina slip renters between April 15 and October 15 of each year the boatyard is open.
12. At all times, the Permittee shall allow for a minimum of 50% of the slips authorized herein to remain available to the general public and transients on a first-come, first served basis.
13. The Permittee shall not allow berthing by any transient vessel in any of the slips authorized herein for longer than 7 days.
14. Not later than thirty (30) days subsequent to boatyard and marina occupancy, the Permittee shall post and maintain signage notifying the public of the availability of transient berthing along the docks authorized herein as well as signage that indicates that there is public access on-site.
15. The Permittee shall post and maintain signage prohibiting fueling, exterior painting, cleaning or other boat repair or maintenance activities which could produce discharges to the harbor from boats berthed at the docks authorized herein.
16. The Permittee may, within the perimeter boundary authorized pursuant to paragraph 23., of the SCOPE OF AUTHORIZATION, above, and shown on Sheets 6 and 8 of the project plans attached hereto; replace, remove or relocate ramps, floats, fingers, piles, etc., subject to the restrictions specified in paragraph 16., of the SPECIAL TERMS AND CONDITIONS, below.
17. The reconfiguration activities authorized pursuant to paragraph 15. of the SPECIAL TERMS AND CONDITIONS section, above, are subject to the following restrictions:
  - a. Such reconfiguration does not increase the number of berthing slips at the facility beyond 28;
  - b. Such reconfiguration is conducted in a manner such that no structures are located outside the established perimeter boundary;
  - c. Such reconfiguration shall not include the construction, installation or relocation of any wave attenuation structures; any walled or roofed structures such as an attendant shed, marina office or other building; any structure not used for boating access or support including, but not limited to, residences, restaurants,

- vending/concessions, gazebos, viewing platforms, patios, or storage facilities; and any docks, floats or ramps wider than previously authorized;
- d. Any such reconfiguration does not create a hazard to or interfere with existing navigations uses in any waterway;
  - e. The reconfiguration is valid for a period of 20 years from the date of permit issuance; and
  - f. The Permittee shall provide the Commissioner with written notification two weeks prior to commencement of reconfiguration.
18. Sediment dredged pursuant to this authorization shall not be sold nor shall any fee for its use be charged without the express written authorization of the Commissioner and payment of a \$4.00 per yard royalty to the State of Connecticut Department of Energy & Environmental Protection, pursuant to section 22a-361(e) of the General Statutes.
  19. During construction, the Permittee shall implement best management practices to minimize the potential for releasing any material into the West Branch of Stamford Harbor. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined in CGS section 22a-423.
  20. Any barge used to conduct the work authorized herein must move to deeper waters during periods of low water such that the barge does not rest on the bottom. It shall not be a defense to this provision for the Permittee to assert that it has no control over the operation of the barge.
  21. The Permittee shall provide a sanitary pumpout and gas dock as authorized in paragraph 22., of the SCOPE OF AUTHORIZATION, above, and shall maintain such in optimal operating condition for the life of the boatyard. Such pumpout shall be made available to the boatyard patrons and the general public between April 15<sup>th</sup> and October 15<sup>th</sup> of any year the facility is in operation, unless specifically authorized in writing by the Commissioner.
  22. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
  23. The Permittee shall file Appendix B on the land records of the municipality in which the subject property is located not later than thirty days after permit issuance pursuant to CGS Section 22a-363g. A copy of Appendix B with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after permit issuance.
  24. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s)

shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit. At the work area the contractor(s) shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.

25. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
26. For work conducted landward of the tidal wetlands, the Permittee shall establish a minimum of a 10 foot setback from any adjacent wetlands or watercourses. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work authorized hereunder is completed.
27. Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, or within any delineated setback area, nor shall any wetland, watercourse or delineated setback area be used as a staging area or access way other than as provided herein.
28. The Permittee shall dispose of aquatic sediments in accordance with the terms and conditions of this permit. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
29. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner "as-built" plans and an "as-dredged" survey of the work area showing contours, bathymetries, tidal datums and structures, including any proposed elevation views and cross sections included in the permit. Such plans or survey shall be the originals and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut.

### **GENERAL TERMS AND CONDITIONS**

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
  - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner's sole discretion to grant or deny such request.
  - b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.

2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee may not conduct work waterward of the coastal jurisdiction line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
4. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363g.
5. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
7. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
8. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
9. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
10. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section  
Office of Long Island Sound Programs  
Department of Energy and Environmental Protection

79 Elm Street  
Hartford, Connecticut 06106-5127  
(860) 424-3034  
Fax # (860) 424-4054

11. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word “day” as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
12. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: “I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense.”
13. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee’s representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
14. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee’s application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event the Permittee becomes aware that they did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee



shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.

16. This permit may be revoked, suspended, or modified in accordance with applicable law.
17. The issuance of this permit does not relieve the Permittee of their obligations to obtain any other approvals required by applicable federal, state and local law.
18. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on \_\_\_\_\_, 2015

STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

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Micheal Sullivan  
Deputy Commissioner

Permit #201503186-KB, Stamford

Southfield Property, LLC

**OFFICE OF LONG ISLAND SOUND PROGRAMS**

**APPENDIX A**

**TO: Permit Section  
Department of Energy and Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106-5127**

**PERMITTEE:** Southfield Property, LLC  
2200 Atlantic Street  
Suite 600  
Stamford, CT 06902

**Permit No:** 201503186-KB, Stamford

**CONTRACTOR 1:** \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 2:** \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 3:** \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone #: \_\_\_\_\_

**EXPECTED DATE OF COMMENCEMENT OF WORK:** \_\_\_\_\_

**EXPECTED DATE OF COMPLETION OF WORK:** \_\_\_\_\_

**PERMITTEE:** \_\_\_\_\_  
(signature) (date)



**OFFICE OF LONG ISLAND SOUND PROGRAMS**

**APPENDIX B**

**NOTICE OF PERMIT ISSUANCE**

**DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

**To:** City Clerk of Stamford

**Signature and  
Date:**

**Subject:** Southfield Property LLC, Stamford, CT  
Coastal Permit #201503186-KB

Pursuant to Section 22a-363g, Section 22a-32 and Section 22a-361 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a permit has been issued to Southfield Property, LLC 2200 Atlantic Street Suite 600 Stamford, CT 06902 to:

remove derelict structures; install a boatyard with new docking structures; install a travel lift well, sanitary pumpout, gas dock and conduct new dredging for recreational boating use and marine commercial use; and install a bulkhead for flood and erosion control

If you have any questions pertaining to this matter, please contact the Office of Long Island Sound Programs at 860-424-3034.



# PERMIT NOTICE

This Certifies that Authorization to perform work below the Coastal Jurisdiction Line and/or within Tidal Wetlands of coastal, tidal, or navigable waters of Connecticut

Has been issued to: Southfield Avenue, LLC

At this location: 28 Southfield Avenue, Stamford, CT

To conduct the following: remove derelict structures; install a boatyard with new docking structures; install a travel lift well, sanitary pumpout, gas dock and conduct new dredging for recreational boating use and marine commercial use; and install a bulkhead for flood and erosion control

Permit #: 201503186-KB

Issued on:

This Authorization expires on:

This Notice must be posted in a conspicuous place on the job during the entire project.

Department of Energy and Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street • Hartford, CT 06106-5127  
Phone: (860) 424-3034 Fax: (860) 424-4054  
[www.ct.gov/deep](http://www.ct.gov/deep)